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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,750	03/10/2000	David B. Black	C0375/188130	4939
23370	7590	11/24/2003	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			KYLE, CHARLES R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/522,750

Applicant(s)

BLACK, DAVID B.

Examiner

Charles R Kyle

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-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The rejection of Claims 1-6 and 13-18 in the prior office action is withdrawn based on Applicant's amendment.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-18 recite no technological features which place the invention within the technological arts. If the methods claimed are performed in a technological environment such as a computer, Applicant's claims should clearly recite such limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kling et al* in view of *Northington et al*.

Concerning Claim 1, *Kling* discloses the invention substantially as claimed, including in a method for processing transactions to accounts the steps of:

receiving transactions related to a plurality of the accounts (Col. 3, lines 61-64);

converting the transactions into messages (Background of the Invention);

assigning a lower priority to first messages ready for processing relative to a second type of messages (Col. 2, lines 36-50);

processing, with system resources, the second type of messages at the higher priority than messages ready for first types messages (Abstract); and

processing first transactions to the accounts when the system resources are available;

wherein the processing of the transactions can occur in essentially real-time (Col. 5, lines 8-9; Fig 6.) and can be interspersed with the processing of the second type of message (Figure 2).

Kling does not specifically disclose that the first type of message is a posting activity. *Kling* does suggest that posting would be performed in discussion of message types at Col. 5, line 59 to Col. 6, line 19. In this passage, *Kling* discusses

account balance inquiry messages and the fact that other types of messages can logically combined by his invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a posting type message in the invention of *Kling* because this would have made accurate account balances for inquiry possible. If posting were not done on a timely basis through messages, the financial balance inquiry disclosed would not be possible.

Further, the *Northington* reference specifically discloses real-time posting activity (Col. 3, lines 21-34) and processing of credit authorization (Col. 16, lines 23-39) for a financial institution (Background of the Invention). These are exactly types of transactions which Applicant interleaves based on resource availability. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have interspersed the posting transactions and credit authorization transactions of *Northington* using the interspersed transaction processing of *Kling* because this would have allowed timely processing of more time- sensitive transactions while making best use of available resources.

Further, it appears that Applicant's inventive concept is the interleaved processing of transactions of different priorities. This is clearly shown by *Kling* in the environment of financial transaction processing. *Northington* also operates in this environment.

In response to Applicant's remarks in the paper filed November 6, 2003, the Examiner notes that amended claim language is *broad*er than the previously filed claims. Applicant has removed the limitation of real-time processing and merely

claims that the converting, assigning, processing and posting steps (disclosed by *Kling*) are done in response to receiving transaction. First, it would be impossible to perform these steps without first receiving the transaction. Secondly, the new limitation contains no reference to the time frame within which the steps are done. One could reasonably infer that the steps are done in a batch-processing mode as the claims are currently written. At least previously, there was some reference to real-time processing, disclosed by *Northington*; references to timing are now completely removed.

At page 5 of the response, Applicant provides general discussion of *Kling*, at page 6. Substantive argument begins at page 6, with a statement that *Kling* does not consider the urgency indicator when processing transactions. Applicant cites *Kling* at Col. 2, lines 61-66 but ignores the passage from *Kling* at Col. 2, lines 30-35 which discloses:

The present invention provides for a system and method for processing multiple electronic transaction requests, or service requests, in one data group and responding to each service request individually based on urgency indicators present in the data group.

As to Applicant's argument I the second paragraph of page 6, note that the claim language has been broadened by removing references to processing time frames. Applicant also, has not argued that *Northington* fails to disclose such timing or why the Examiner's reason for combining the references is incorrect.

Concerning Claims 2-4, they recite elements inherent to a credit account processing system.

With respect to Claims 5 and 6, *Kling* discloses plural and one at a time transaction receipt at the Abstract, i.e. transaction-interactive and batch-interactive.

With respect to Claims 9 and 10, see the discussion of claims 7, 5 and 6.

With respect to Claim 7, *Kling* discloses the invention substantially as claimed, including in a method for updating an account having account information (Col. 3, lines 61-64), the steps of:

associating at least one rule with the account, the rule for being used in controlling a

processing of the account (Abstract);

storing at least one parameter of the rule in a database (Col. 7, lines 48-60);

receiving a transaction related to the account (Fig. 6, element 601);

identifying all rules associated with the account (Abstract; Fig. 6, ele. 607);

applying the rules to the transaction

(Col. 7, line 61 to Col. 8, line 46);

inserting the transaction into the account information; and

propagating balances maintained for the account (Fig. 3, ele 301).

Kling does not specifically disclose that a rule is changed by parameter

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modification. It would have been obvious to one of ordinary skill in the art at the time the invention was made that such modification could be made change priority, “urgency indicators”, so as to allow for changing importance of transaction types. For example, at one particular time of day, it might be more logical for particular transaction messages to be processed first because of time constraints; relief from such constraints at another time might warrant reducing the priority of that transaction message.

Further, *Northington* discloses a database (Fig. 3, ele, 302) containing rules for controlling processing of an account (Col. 7, line 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the database of *Northington* in the invention of *Kling* in conjunction with modifiable parameters because this would have allowed for flexibility in the processing of account transactions.

As to Applicant’s arguments on page 7, first paragraph of the paper filed November 6, 2003, argument is made that the prior art cited does not teach association of a priority associated with an account. This limitation is not present in the claim. Rather, the claim requires that rules be associated with an account.

At page 7, paragraph 2, Applicant states that there is no suggestion in *Kling* to modify urgency indicators; Applicant has not refuted the Examiner’s comments on the utility of using priorities to schedule processing of different types of transactions at different times of day.

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At page 7, paragraph 3, Applicant states that *Northington* does not disclose rules for processing an account. It is inherent that the specification of master account data, account spending control data and transaction data types would have different processing rules based on the type of account specified. One would clearly not process these different types of data in identical ways. Account data type implies particular handling rules.

Applicant's argument at the last paragraph of page 7 have been addressed above.

As to Claim 8, *Northington* discloses an account master for account processing rules at Col. 7, lines 38-44.

With respect to Claims 11 and 12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have projected accounts to allow a "warning" period in which accounts could be monitored for usage trends. This would be similar in use to velocity checks on an account which help project account activity and 6 set forth above.

As to Applicant's arguments regarding these claims, the substance of the argument is in terms of Specification content and not Claim limitations.

As to Claim 13, posting is inherently updating account balance.

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With respect to Claims 14-15, see the discussion of Claims 2-4 above and note that they are old and well-known functions of credit account processing.

As to Claim 16, the Examiner assumes that Applicant intends that the word intended is totaling instead of tolling. Such totaling of an account on a running basis would have maintained a current and accurate balance.

With respect to Claims 17-18, see the discussion of credit transaction authorization in the treatment of Claim 1 above, and the additional limitations recite only credit approval by an issuing financial institution or by a third-party credit network.

Response to Arguments

Applicant's arguments are addressed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6640244 Bowman-Amuah 10—2003 for its teachings of message priorities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


crk

November 12, 2003



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